New York State Department of Environmental Conservation
Division of Environmental Permits, Region 7
615 Erie Boulevard West, Syracuse, New York 13204-2400
Phone: (315) 426-7438 • **FAX:** (315) 426-7425
Website: www.dec.state.ny.us

Erin M. Crotty
Commissioner

BUREAU OF WATER PERMITS
DEC 13 2004

December 10, 2004

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Philip Harvard, Env. Manager
Syracuse China Company
PO Box 4820
Syracuse, NY 13221-4820

RE: Modification of State Pollutant Discharge Elimination System (SPDES) for Syracuse China Company, Appl. ID# 7-3148-00087/00001, SPDES No. NY 010 0137

Dear Mr. Harvard:

This is to inform you that pursuant to Environmental Conservation Law (ECL), Article 70, and 6NYCRR, Part 621, the New York State Department of Environmental Conservation has decided to modify your State Pollutant Discharge Elimination System Permit (SPDES) referenced above. The modification is based on the Consent Order. The modification is a revision to the pH limit for Outfall 001 and a change in sampling location for this parameter and this outfall, only.

This permit supersedes your previous permit. Should you object to this modification, 6NYCRR Part 621.14(d) allows you to submit to the Department reasons why the permit should not be modified, or to request a hearing, or both. Such a submission or request must be received by the Regional Permit Administrator within 15 calendar days of your receipt of this letter.

If you have any questions, you may contact me at (315) 426-7438. Thank you.

Sincerely,

Joanne L. March
Deputy Regional Permit Administrator

cc: Water Division, Region 7
Onondaga County Health Dept.
DOW - Albany, BWP (3505)

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NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

State Pollutant Discharge Elimination System (SPDES)
DISCHARGE PERMIT

Special Conditions (Part 1)

First3.99

Industrial Code:	3262	SPDES Number:	NY- 010 0137
Discharge Class (CL):	01	DEC Number:	7-3148-00087/00001
Toxic Class (TX):	T	Effective Date (EDP):	04/01/2004
Major Drainage Basin:	07	Expiration Date (ExPD):	03/31/2009
Sub Drainage Basin:	02	Modification Dates:	12/10/04
Water Index Number:	0-66-12-P154-3	Attachment(s): None	
Compact Area:			

This SPDES permit is issued in compliance with Title 8 of Article 17 of the Environmental Conservation Law of New York State and in compliance with the Clean Water Act, as amended, (33 U.S.C. §1251 et.seq.)(hereinafter referred to as "the Act").

PERMITTEE NAME AND ADDRESS

Name: Syracuse China Company Attention: Vice President of Manufacturing
Street: P.O. Box 4820
City: Syracuse State: NY Zip Code: 13221-4820
is authorized to discharge from the facility described below:

FACILITY NAME AND ADDRESS

Name: Syracuse China Company
Location (C,T,V): Syracuse (C) County: Onondaga
Facility Address: 2900 Court Street
City: State: NY Zip Code: 13221-4820
NYTM -E: NYTM - N: 4
From Outfall No.: 001 at Latitude: 43 ° 05 ′ 33 ″ & Longitude: 76 ° 07 ′ 49 ″
into receiving waters known as: Ley Creek Class: B
and; (list other Outfalls, Receiving Waters & Water Classifications)

002 - Ley Creek, Class: B

in accordance with the effluent limitations, monitoring requirements and other conditions set forth in Special Conditions (Part I) and General Conditions (Part II) of this permit.

DISCHARGE MONITORING REPORT (DMR) MAILING ADDRESS

Mailing Name: Syracuse China Company
Street: P.O. Box 4820
City: Syracuse State: NY Zip Code: 13221-4820
Responsible Official or Agent: Philip Harvard, Env. Manager Phone: (315) 455-6763

This permit and the authorization to discharge shall expire on midnight of the expiration date shown above and the permittee shall not discharge after the expiration date unless this permit has been renewed, or extended pursuant to law. To be authorized to discharge beyond the expiration date, the permittee shall apply for permit renewal not less than 180 days prior to the expiration date shown above.

DISTRIBUTION:

DEW - Albany (3505)
DOW - R7

Onondaga Co HD

Permit Administrator: Joanne L. March	
Address: NYS DEC 615 Erie Blvd. W Syracuse, NY 13204	
Signature:	Date: 12/10/04

FOIL065050

PERMIT LIMITS, LEVELS AND MONITORING DEFINITIONS

OUTFALL	WASTEWATER TYPE	RECEIVING WATER	EFFECTIVE	EXPIRING
	This cell describes the type of wastewater authorized for discharge. Examples include process wastewater, storm water, non-contact cooling water.	This cell lists classified waters of the state to which the listed outfall discharges.	The date this page starts in effect.	The date this page is no longer in effect

PARAMETER	MINIMUM	MAXIMUM	UNITS	SAMPLE FREQ.	SAMPLE TYPE
pH	The minimum level that must be maintained at all times.	The maximum level that may not be exceeded at any time.	SU		

PARA-METER	CALCULATED LIMIT	COMPLIANCE LEVEL	ACTION LEVEL	UNITS	MDL AND PQL	SAMPLE FREQUENCY	SAMPLE TYPE
	Daily Avg. and Daily Max. are defined below. The calculated limit is the limit that has been derived based on the assumptions and rules in place at the time the permit is written. Examples of these assumptions include receiving water hardness, pH and temperature; rates of other discharges to the receiving stream; conservatism of substances in the environment; etc. If the assumptions or rules change, the calculated limit may, after due process, change. The Calculated Limit is developed without consideration of what level is technologically achievable or what can be quantitated analytically. If a calculated limit is not included in this column, but a compliance level is included in the next column, the calculated limit is the compliance level.	Daily Max. and Daily Avg. are defined below. All determinations of compliance with substance specific discharge limits are made by comparing monitoring results to the compliance level. The compliance level is developed considering what can be quantitated analytically or what level is technologically achievable in the permittee's discharge at the time the permit is written.	Type I or Type II Action Levels are monitoring requirements, as defined below, that trigger additional monitoring and permit review when exceeded.	This can include units of flow, pH, Temperature, mass or concentration. Examples include SU, °F, µg/l, lbs/d, etc.	The method detection limits and practical quantitation limits that the permittee must make all reasonable efforts to achieve when measuring the parameter in the wastewater, Including using a more sensitive approved analytical procedure.	Examples include Daily, 3/week, weekly, 2/month, monthly, quarterly, 2/yr and yearly.	Examples include grab, 24 hour composite and 3 grab samples collected over a 6 hour period.

DAILY DISCHARGE.: The discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for the purposes of sampling. For pollutants expressed in units of mass, the 'daily discharge' is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the 'daily discharge' is calculated as the average measurement of the pollutant over the day.

DAILY MAX.: The highest allowable daily discharge.

DAILY AVG.: The highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

ACTION LEVELS: Routine Action Level monitoring results, if not provided for on the Discharge Monitoring Report (DMR) form, shall be appended to the DMR for the period during which the sampling was conducted. If the additional monitoring requirement is triggered as noted below, the permittee shall undertake a short-term, high-intensity monitoring program for the parameter(s). Samples identical to those required for routine monitoring purposes shall be taken on each of at least three consecutive operating and discharging days and analyzed. Results shall be expressed in terms of both concentration and mass, and shall be submitted no later than the end of the third month following the month when the additional monitoring requirement was triggered. Results may be appended to the DMR or transmitted under separate cover to the same address. If levels higher than the Action Levels are confirmed, the permit may be reopened by the Department for consideration of revised Action Levels or effluent limits. The permittee is not authorized to discharge any of the listed parameters at levels which may cause or contribute to a violation of water quality standards.

TYPE I : The additional monitoring requirement is triggered upon receipt by the permittee of any monitoring results in excess of the stated Action Level.

TYPE II: The additional monitoring requirement is triggered upon receipt by the permittee of any monitoring results that show the stated action level exceeded for four of six consecutive samples, or for two of six consecutive samples by 20 % or more, or for any one sample by 50 % or more.

FINAL PERMIT LIMITS, LEVELS AND MONITORING

OUTFALL NUMBER	WASTEWATER TYPE	RECEIVING WATER	EFFECTIVE	EXPIRING
001	Outfall 01A, noncontact cooling water, storm water runoff and groundwater.	Ley Creek	EDP	EDP + 5 Years

PARAMETER	MINIMUM	MAXIMUM	UNITS	SAMPLE FREQUENCY	SAMPLE TYPE	FOOTNOTES (FN)
pH	6.0	9.0	SU	2/Week	Grab	1

PARAMETER	CALCULATED LIMIT		ENFORCEABLE COMPLIANCE LEVEL		MONITORING ACTION LEVEL		UNITS	MDL (µg/l)	PQL (µg/l)	SAMPLE FREQUENCY	SAMPLE TYPE	FN
	Daily Avg.	Daily Max.	Daily Avg.	Daily Max.	TYPE I	TYPE II						
Flow			Monitor	Monitor			GPD			Continuous	Recorder	
Temperature			Monitor	90			°F			2/Week	Grab	
Total Dissolved Solids			Monitor	600			mg/l			Weekly	6 hr. composite	
Total Suspended Solids			Monitor	20			mg/l			Weekly	6 hr. composite	
BOD5			-	-	21		mg/l			Quarterly	6 hr. composite	
Oil & Grease			Monitor	15			mg/l			Monthly	Grab	
Boron, Total			-	-	840		µg/l			Quarterly	6 hr. composite	
Lead, Total			Monitor	70			µg/l			2/Month	6 hr. composite	

SPECIAL CONDITION:
The permittee must report both the concentration (in mg/l or µg/l) and the mass loading (in lbs/day) on the Discharge Monitoring Reports for all parameters except flow, pH, temperature and settleable solids. This requirement applies to all outfalls.

FOOTNOTE:
1. The effluent limit is applied at the culvert on the south side of Factory Ave, prior to the discharge into Ley Creek. pH shall be sampled for at this location All other parameters shall be sampled for at the discharge weir at the settling ponds.

DEFINITIONS:
Recorder - A flow measurement system that continuously measures and displays the instantaneous flow rate, and records the cumulative discharge volume versus time on paper and/or electronically.

Totalizer - A flow measurement system that continuously measures and displays the instantaneous flow rate and the cumulative discharge volume.

FINAL PERMIT LIMITS, LEVELS AND MONITORING

OUTFALL NUMBER	WASTEWATER TYPE	RECEIVING WATER	EFFECTIVE	EXPIRING
01A	Dinnerware production contact wastewaters - raw material batching, ware forming and firing, ware cleaning and plaster mold making.	Outfall 001	EDP	EDP + 5 years

PARAMETER	MINIMUM	MAXIMUM	UNITS	SAMPLE FREQUENCY	SAMPLE TYPE	FOOTNOTES (FN)
pH	Monitor	Monitor	SU	Monthly	Grab	

PARAMETER	CALCULATED LIMIT		ENFORCEABLE COMPLIANCE LEVEL		MONITORING ACTION LEVEL		UNITS	MDL (µg/l)	PQL (µg/l)	SAMPLE FREQUENCY	SAMPLE TYPE	FN
	Daily Avg.	Daily Max.	Daily Avg.	Daily Max.	TYPE I	TYPE II						
Flow			Monitor	Monitor			GPD			Weekly	Totalizer	
Total Dissolved Solids			Monitor	Monitor			mg/l			Monthly	Grab	
Total Suspended Solids			-	-	40		mg/l			Monthly	Grab	

FINAL

PERMIT LIMITS, LEVELS AND MONITORING

OUTFALL NUMBER	WASTEWATER TYPE	RECEIVING WATER	EFFECTIVE	EXPIRING
01B	Ceramic material preparation contact wastewaters.	Outfall 001	EDP	EDP + 5 years

PARAMETER	MINIMUM	MAXIMUM	UNITS	SAMPLE FREQUENCY	SAMPLE TYPE	FOOTNOTES (FN)
pH	Monitor	Monitor	SU	Monthly	Grab	

PARAMETER	CALCULATED LIMIT		ENFORCEABLE COMPLIANCE LEVEL		MONITORING ACTION LEVEL		UNITS	MDL (µg/l)	PQL (µg/l)	SAMPLE FREQUENCY	SAMPLE TYPE	FN
	Daily Avg.	Daily Max.	Daily Avg.	Daily Max.	TYPE I	TYPE II						
Flow			Monitor	Monitor			GPD			Weekly	Totalizer	
Total Dissolved Solids			Monitor	Monitor			mg/l			Monthly	Grab	
Total Suspended Solids			-	-	40		mg/l			Monthly	Grab	

FINAL

PERMIT LIMITS, LEVELS AND MONITORING

OUTFALL NUMBER	WASTEWATER TYPE	RECEIVING WATER	EFFECTIVE	EXPIRING
002	Storm water runoff.	Storm sewer trib. to Ley Creek	EDP	EDP + 5 Years

PARAMETER	MINIMUM	MAXIMUM	UNITS	SAMPLE FREQUENCY	SAMPLE TYPE	FOOTNOTES (FN)
pH	6.0	9.0	SU	Monthly	Grab	

PARAMETER	CALCULATED LIMIT		ENFORCEABLE COMPLIANCE LEVEL		MONITORING ACTION LEVEL		UNITS	MDL (µg/l)	PQL (µg/l)	SAMPLE FREQUENCY	SAMPLE TYPE	FN
	Daily Avg.	Daily Max.	Daily Avg.	Daily Max.	TYPE I	TYPE II						
Flow			Monitor	Monitor			GPD			Monthly	Estimate	
Settleable Solids			Monitor	0.10			ml/l			Monthly	Grab	
Oil & Grease			Monitor	15			mg/l			Monthly	Grab	

SPECIAL CONDITIONS - BEST MANAGEMENT PRACTICES

1. The permittee shall develop a Best Management Practices (BMP) plan to prevent, or minimize the potential for, release of significant amounts of toxic or hazardous pollutants to the waters of the State through plant site runoff; spillage and leaks; sludge or waste disposal; and storm water discharges including, but not limited to, drainage from raw material storage. Completed BMP plans shall be submitted by **October 1, 1999** to the Regional Water Engineer at the address shown on the Recording, Reporting and Additional Monitoring Requirements. The BMP plan shall be implemented within 6 months of submission, unless a different time frame is approved by this Department.

2. Subsequent modifications to or renewal of this permit does not reset or revise the deadline set forth in (1) above, unless a new deadline is set explicitly by such permit modification or renewal.

3. The permittee shall review all facility components or systems (including material storage areas; in-plant transfer, process and material handling areas; loading and unloading operations; storm water, erosion, and sediment control measures; process emergency control systems; and sludge and waste disposal areas) where toxic or hazardous pollutants are used, manufactured, stored or handled to evaluate the potential for the release of significant amounts of such pollutants to the waters of the State. In performing such an evaluation, the permittee shall consider such factors as the probability of equipment failure or improper operation, cross-contamination of storm water by process materials, settlement of facility air emissions, the effects of natural phenomena such as freezing temperatures and precipitation, fires, and the facility's history of spills and leaks. For hazardous pollutants, the list of reportable quantities as defined in 40 CFR, Part 117 may be used as a guide in determining significant amounts of releases. For toxic pollutants, the relative toxicity of the pollutant shall be considered in determining the significance of potential releases.

   The review shall address all substances present at the facility that are listed as toxic pollutants under Section 307(a)(1) of the Clean Water Act or as hazardous pollutants under Section 311 of the Act or that are identified as Chemicals of Concern by the Industrial Chemical Survey.

4. Whenever the potential for a significant release of toxic or hazardous pollutants to State waters is determined to be present, the permittee shall identify Best Management Practices that have been established to minimize such potential releases. Where BMPs are inadequate or absent, appropriate BMPs shall be established. In selecting appropriate BMPs, the permittee shall consider typical industry practices such as spill reporting procedures, risk identification and assessment, employee training, inspections and records, preventive maintenance, good housekeeping, materials compatibility and security. In addition, the permittee may consider structural measures (such as secondary containment and erosion/sediment control devices and practices) where appropriate.

5. Development of the BMP plan shall include sampling of waste stream segments for the purpose of toxic "hot spot" identification. The economic achievability of effluent limits will not be considered until plant site "hot spot" sources have been identified, contained, removed or minimized through the imposition of site specific BMPs or application of internal facility treatment technology. For the purposes of this permit condition a "hot spot" is a segment of an industrial facility; including but not limited to soil, equipment, material storage areas, sewer lines etc.; which contributes elevated levels of problem pollutants to the wastewater and/or storm water collection system of that facility. For the purposes of this definition, problem pollutants are substances for which treatment to meet a water quality or technology requirement may, considering the results of waste stream segment sampling, be deemed unreasonable. For the purposes of this definition, an elevated level is a concentration or mass loading of the pollutant in question which is sufficiently higher than the concentration of that same pollutant at the compliance monitoring location so as to allow for an economically justifiable removal and/or isolation of the segment and/or B.A.T. treatment of wastewaters emanating from the segment.

6. The BMP plan shall be documented in narrative form and shall include any necessary plot plans, drawings or maps. Other documents already prepared for the facility such as a Safety Manual or a Spill Prevention, Control and Countermeasure (SPCC) plan may be used as part of the plan and may be incorporated by reference. USEPA guidance for development of storm water elements of the BMP is available in the September 1992 manual "Storm Water Management for Industrial Activities," USEPA

SPECIAL CONDITIONS - BEST MANAGEMENT PRACTICES

Office of Water Publication EPA 832-R-92-006 (available from NTIS, (703)487-4650, order number PB 92235969). A copy of the BMP plan shall be maintained at the facility and shall be available to authorized Department representatives upon request. As a minimum, the plan shall include the following BMP's:

a. BMP Committee
b. Reporting of BMP Incidents
c. Risk Identification & Assessment
d. Employee Training
e. Inspections and Records
f. Preventive Maintenance
g. Good Housekeeping
h. Materials Compatibility
i. Security
j. Spill prevention & response
k. Erosion & sediment control
l. Management of runoff

7. The BMP plan shall be reviewed annually and shall be modified whenever: (a) changes at the facility materially increase the potential for significant releases of toxic or hazardous pollutants, (b) actual releases indicate the plan is inadequate or (c) a letter from the Regional Water Engineer highlights inadequacies in the plan.

WATER TREATMENT CHEMICAL (WTC) REQUIREMENTS

New or increased use of a WTC requires Department review and authorization before it can be used and discharged. At a minimum, the permittee must notify the Department in writing of its intent to change WTC use. The Department will review that submittal and determine if a formal SPDES permit modification is necessary or whether WTC review and authorization may proceed outside of the formal permit administrative process. **The majority of WTC authorizations do not require formal SPDES permit modification.** WTCs which are used in closed systems and cannot contact wastewater effluents or WTCs which are discharged to municipal STP are not subject to SPDES permit review. WTCs include, but are not limited to, conditioners, corrosion or scale inhibitors, flocculants, biocides, fungicides, molluscicides, and sequestrants. **Questions** concerning the use in discharge of a new WTC or increased levels of an authorized WTC should be directed to the Department staff person who developed your SPDES permit. If you are not sure who that is, contact the Department staff person who normally inspects your facility.

Generic WTC Usage Requirements

- WTC usage shall not exceed the usage rate reported by the permittee or authorized below, whichever is less.
- The permittee shall maintain a logbook of all WTC use, noting for each chemical the time, amount and location of each dosage. Additional guidance concerning necessary logbook content and other applicable requirements can be found in the general conditions (Part II) of the SPDES permit. The logbook must also document that adequate process controls are in place to ensure that excessive levels of WTCs are not used and subsequently discharged.
- The permittee shall provide an annual report, attached to the December DMR, containing the following information for each outfall: the current list of WTCs authorized for use and discharge by the Department, for each WTC the amount in pounds used during the year, and any other pertinent information.
- The discharge shall not cause or contribute to a violation of water quality or an exceedance of AWQC.

Generic Prohibitions

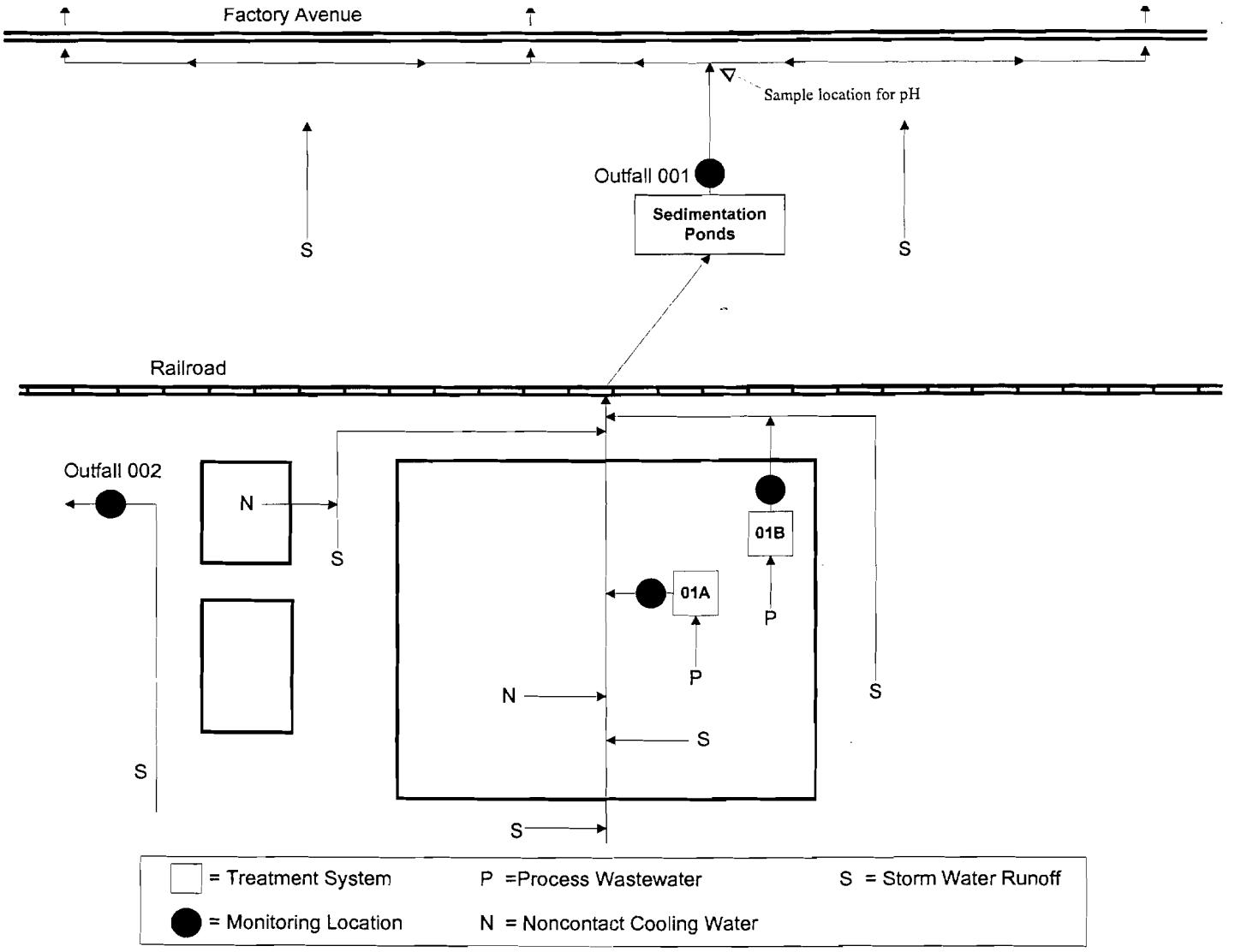
WTCs which contain measurable levels of phosphorus are not permitted for discharge within the Great Lakes Basin or tributary to ponded waters outside the Basin unless the permittee can clearly demonstrate that no acceptable alternative exists. WTCs containing microorganisms cannot be approved unless a formal SPDES permit modification application is submitted.

List of WTCs Authorized for Use and Discharge*

WTC Manufacturer, Name & Function : Ashland Chemical Company, Drew Division, Amerfloc, 482, Flocculant		
Affected Outfall(s) : 001	Avg/Max Daily Dosage : 19 /	lbs/day

* - Authorized WTCs must either be identified above or in a letter sent to the permittee by the Department. In cases where a WTC is listed above and in a letter from the Department, the more recent document will control.

The permittee shall take samples and measurements, to comply with the monitoring requirements specified in this permit, at the location(s) specified below:



RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS

a) The permittee shall also refer to the General Conditions (Part II) of this permit for additional information concerning monitoring and reporting requirements and conditions.

b) The monitoring information required by this permit shall be summarized, signed and retained for a period of three years from the date of the sampling for subsequent inspection by the Department or its designated agent. **Also, monitoring information required by this permit shall be summarized and reported by submitting;**

[X] (if box is checked) completed and signed Discharge Monitoring Report (DMR) forms for each __1__ month reporting period to the locations specified below. Blank forms are available at the Department's Albany office listed below. The first reporting period begins on the effective date of this permit and the reports will be due no later than the 28th day of the month following the end of each reporting period.

[ ] (if box is checked) an annual report to the Regional Water Engineer at the address specified below. The annual report is due by February 1 and must summarize information for January to December of the previous year in a format acceptable to the Department.

[ ] (if box is checked) a monthly "Wastewater Facility Operation Report..." (form 92-15-7) to the
[ ] Regional Water Engineer and/or [ ] County Health Department or Environmental Control Agency specified below.

Send the **original** (top sheet) of each DMR page to:

Department of Environmental Conservation
Division of Water
Bureau of Watershed Compliance Programs
625 Broadway, 4th Floor
Albany, New York 12233-3506

Phone: (518) 402-8177

Send the **first copy** (second sheet) of each DMR page to:

Department of Environmental Conservation
Mr. Steve Eidt, Regional Water Engineer
615 Erie Boulevard West
Syracuse, New York 13204-2400

Phone: (315) 426-7500

Send an **additional copy** of each DMR page to:

c) Noncompliance with the provisions of this permit shall be reported to the Department as prescribed in the attached General Conditions (Part II)

d) Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit.

e) If the permittee monitors any pollutant more frequently than required by the permit, using test procedures approved under 40 CFR Part 136 or as specified in this permit, the results of this monitoring shall be included in the calculations and recording of the data on the Discharge Monitoring Reports.

f) Calculation for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this permit.

g) Unless otherwise specified, all information recorded on the Discharge Monitoring Report shall be based upon measurements and sampling carried out during the most recently completed reporting period.

h) Any laboratory test or sample analysis required by this permit for which the State Commissioner of Health issues certificates of approval pursuant to section five hundred two of the Public Health Law shall be conducted by a laboratory which has been issued a certificate of approval. Inquiries regarding laboratory certification should be sent to the Environmental Laboratory Accreditation Program, New York State Health Department Center for Laboratories and Research, Division of Environmental Sciences , The Nelson A. Rockerfeller Empire State Plaza, Albany, New York 12201.